

In the
Indiana Supreme Court

DELMAS SEXTON, II)	Supreme Court No. 38S00-0507-SJ-313
)	
vs.)	
)	Case No. 38D01-0410-MI-6
INDIANA PAROLE BOARD)	in the Jay Superior Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Jay Superior Court, and pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Jay Superior Court and Judge Joel D. Roberts. The Chronological Case Summary reflects that petitioner, *pro se*, filed a *Petition for Specific Performance of Plea Agreement*. Such petition challenges the legality of his custody and is in the nature of a petition for post-conviction relief. Pursuant to Ind.Trial Rule 53.1(B)(4), such petitions are exempt from the time limitations of Ind.Trial Rule 53.1(A).

IT IS, THEREFORE, ORDERED that jurisdiction of this matter should be remanded to the Jay Superior Court and Judge Roberts.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Joel D. Roberts, Jay Superior Court, 120 North Court Street, Portland, IN 47371-2116, and to the Clerk of the Jay Superior Court.

The Clerk of the Jay Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of July, 2005.

Acting Chief Justice of Indiana